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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit 3628

Application of Wolzenski et al.

Serial No. 09/717,189

Filed November 21, 2000

Confirmation No. 9504

For PROCESS FOR COMPREHENSIVE FINANCIAL AND ESTATE PLANNING

Examiner C. Graham

*Smith
Est 18*

July 5, 2005

AMENDMENT C

TO THE COMMISSIONER FOR PATENTS,

SIR:

In response to the Office action mailed on January 3, 2005, the time for response to which is extended to July 5, 2005, by the attached payment of the fee required under 37 C.F.R. §1.136(a), please enter the following amendments:

Amendments to the claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks begin on page 10 of this paper.

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mere fact that references *can* be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination."²

Accordingly, the *prima facie* elements of obviousness rejection under 35 U.S.C. §103(a) has not been established with respect to claim 26-34. Therefore, the independent claim 26 and its dependent claims 27-34 are patentable over the combined reference. As such, Applicants respectfully request the rejection of claims 26-34 under 35 U.S.C. §103(a) should be withdrawn.

New claims 35-43 recite the "pre-paid" feature of embodiments of the invention. Independent claim 35 and its dependent claims 36-43 are directed premium amounts that are paid on behalf of an individual purchasing particular death benefit amounts. Both cited references, either individually or in combination, fail to contemplate an individual purchasing a pre-paid death benefit. New claims 35-43 are supported by the specification of the application (see Application, pages 11 to 13), and features recited in the new claims are not taught or suggested by either Moran, Ryan, or a combination of Moran and Ryan. As such, Applicants submit that claims 35-43 are patentable over the cited art.

CONCLUSION

In light of the foregoing, applicants believe claims 1-43 to be in condition for allowance and respectfully request favorable reconsideration of the application as amended.

The Commissioner is authorized to charge \$1,020.00 for a three (3) month extension of time up to July 5, 2005 and additional claim fees of \$550.00 (one additional independent claim and nine additional claims) to the Deposit Account No. 19-1345. If, however, the Commissioner determines otherwise, other fees may be charged during the entire pendency of this application to Deposit Account No. 19-1345.

² MPEP §2143.01 (citing *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990)).